

REMARKS

Applicant wishes to thank Examiner Raghu for the courtesy extended to Raymond Smith and his helpful suggestions in discussing claim amendment options.

Claims 1, 6, 7, 12 and 16-23 are presently pending. Claim 1 is amended to include the limitation of Claim 5 and is redrafted in a manner similar to Claim 12. Claims 4, 8-11 and 15 are canceled without prejudice. Minor amendments are made to Claim 12, as suggested by the Examiner. Regarding Claims 21 and 23, the Examiner noted that, in response to Election of Sequence Requirements, Applicant had elected the β -lactamase protein encoded by SEQ ID NO: 2 and the heterologous nucleotide sequence of SEQ ID NO: 25. Thus, reference to other β -lactamase proteins and/or other heterologous nucleotide sequences is canceled from Claims 21 and 23. Applicant understands that such subject matter may be pursued in divisional application(s) if desired. No new matter has been added herewith.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicants' amendments to the Claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Application No.: 10/589,233
Filing Date: January 16, 2007

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 27, 2010

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